



General Assembly

February Session, 2006

Raised Bill No. 5628

LCO No. 2523

02523____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING VERIFICATIONS BY LICENSED ENVIRONMENTAL PROFESSIONALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) and (b) of section 22a-133x of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) Except as provided in section 22a-133y, a political subdivision of
5 the state, an owner of an establishment, as defined in section 22a-134,
6 an owner of property identified on the inventory of hazardous waste
7 disposal sites maintained pursuant to section 22a-133c on October 1,
8 1995, or an owner of contaminated property located in an area for
9 which the groundwater classification is GA or GAA, may, at any time,
10 submit to the commissioner an environmental condition assessment
11 form for such real property owned by such political subdivision or
12 such owner and an initial review fee in accordance with subsection (e)
13 of this section. [Within] Not later than thirty days [of] after his receipt
14 of such form, the commissioner shall notify the owner, in writing, as to
15 whether or not review and written approval of any remedial action at
16 such establishment or property by the commissioner will be required.

17 After said thirty days, it shall be deemed that review and written
18 approval will not be required. The commissioner shall not process any
19 such form submitted pursuant to this section unless such form is
20 accompanied by the required initial review fee.

21 (b) If the commissioner notifies the owner that he will not formally
22 review and approve, in writing, the investigation and remediation of
23 the parcel, the owner shall, on or before ninety days [of] after the
24 receipt of such notice or the deadline for said notice, submit a
25 statement of proposed actions for investigating and remediating the
26 parcel or a release area, as defined in the regulations adopted by the
27 commissioner pursuant to section 22a-133k, and a schedule for
28 implementing such actions. The commissioner may require the owner
29 to submit to him copies of technical plans and reports related to
30 investigation and remediation of the parcel or release area, and may
31 notify the owner if the commissioner determines that the
32 commissioner's review and written approval is necessary. The
33 commissioner shall require that the certifying party submit to him all
34 technical plans and reports related to the investigation and
35 remediation of the parcel or release area if the commissioner receives a
36 written request from any person for such information. The owner shall
37 advise the commissioner of any modifications to the proposed
38 schedule. Upon receipt of a verification by a licensed environmental
39 professional that the parcel or release area has been remediated in
40 accordance with the remediation standards the owner shall submit a
41 copy of such verification to the commissioner.

42 Sec. 2. Subsections (e) to (g), inclusive, of section 22a-134a of the
43 general statutes are repealed and the following is substituted in lieu
44 thereof (*Effective October 1, 2006*):

45 (e) [No] Not later than thirty days after receipt of a Form III or Form
46 IV, the commissioner shall notify the certifying party whether the form
47 is complete or incomplete. After said thirty days, the Form III or Form
48 IV shall be deemed complete. [Within] Not later than forty-five days

49 [of] after receipt of a complete Form III or IV, the commissioner shall
50 notify the certifying party in writing whether review and approval of
51 the remediation by the commissioner will be required, or whether a
52 licensed environmental professional may verify that the investigation
53 has been performed in accordance with prevailing standards and
54 guidelines and that the remediation has been performed in accordance
55 with the remediation standards. After said forty-five days, it shall be
56 deemed that the licensed environmental professional may verify the
57 remediation. Any person who submitted a Form III to the
58 commissioner prior to October 1, 1995, may submit an environmental
59 condition assessment form to the commissioner. The commissioner
60 shall, [within] not later than forty-five days [of] after receipt of such
61 form, notify the certifying party whether approval of the remediation
62 by the commissioner will be required or whether a licensed
63 environmental professional may verify that the remediation has been
64 performed in accordance with the remediation standards.

65 (f) In determining whether review and approval of the remediation
66 by the commissioner will be required, or whether a licensed
67 environmental professional may verify that the remediation has been
68 performed in accordance with the remediation standards, the
69 commissioner shall consider: (1) The potential risk to human health
70 and the environment posed by any discharge, spillage, uncontrolled
71 loss, seepage or filtration of hazardous waste or a hazardous substance
72 at the establishment; (2) the degree of environmental investigation at
73 the parcel; (3) the proximity of the establishment to significant natural
74 resources; (4) the character of the land uses surrounding the
75 establishment; (5) the complexity of the environmental condition of the
76 establishment; and (6) any other factor the commissioner deems
77 relevant.

78 (g) If the commissioner notifies the certifying party to a Form III or
79 Form IV that a licensed environmental professional may verify the
80 remediation, such certifying party shall, on or before thirty days of the
81 receipt of such notice or the deadline for such notice or such later date

82 as may be approved in writing by the commissioner, submit a
 83 schedule for investigating and remediating the establishment. Such
 84 schedule shall, unless a later date is specified, in writing, by the
 85 commissioner, provide that the investigation shall be completed
 86 [within] not later than two years [of] after the date of receipt of such
 87 notice and that remediation shall be initiated [within] not later than
 88 three years [of] after the date of receipt of such notice. The schedule
 89 shall also include a schedule for providing public notice of the
 90 remediation prior to the initiation of such remediation in accordance
 91 with subsection (i) of this section. The commissioner shall notify such
 92 certifying party if the commissioner determines that the
 93 commissioner's review and written approval is necessary. Such
 94 certifying party shall investigate the parcel and remediate the
 95 establishment in accordance with the proposed schedule. Such
 96 certifying party shall submit to the commissioner an independent
 97 verification by a licensed environmental professional that the
 98 establishment has been remediated in accordance with the remediation
 99 standards, and as applicable, a Form IV verification.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	22a-133x(a) and (b)
Sec. 2	<i>October 1, 2006</i>	22a-134a(e) to (g)

Statement of Purpose:

To deem certain inaction on behalf of the Commissioner of Environmental Protection with regard to whether a party may use a licensed environmental professional as approval for such use.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]